

REMARKS

Applicant thanks the Examiner for the very thorough consideration given the present application.

Claims 1-57 are now present in this application. Claims 1, 7, 18, 41 and 53 are independent and are amended. No new matter is involved.

Support for the amendments is found throughout Applicant's originally filed disclosure. For example, support for the language "fit for the verified peripheral device if the peripheral media device corresponding to the present input mode is connected to the communication port" is found in paragraph [33] of the originally filed application.

Reconsideration of this application, as amended, is respectfully requested.

Examiner Interview

Applicant acknowledges with appreciation the courtesies extended by Examiner Tran to Mr. Robert J. Webster, their undersigned representative during the personal interview conducted on June 14, 2005. During that interview, Examiner Tran indicated that if the claims were amended in the form set forth above, that the amended claims would patentably define over the applied art. Examiner Tran also stated that she would have to update her

search of the prior art upon the filing of an Amendment and, because of that, could not agree that the amended claims were allowable.

Rejections under 35 U.S.C. §103

Claims 1-57 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,567,011 to Young et al. (hereinafter, "Young") in view of U.S. Patent 6,469,633 to Wachter. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Applicant respectfully submits that neither Young nor Wachter discloses or suggests the claimed invention, as amended.

For example, Applicants respectfully submits that Young neither discloses nor suggests converting one ID code into another ID code, as recited.

Nor does Young disclose verifying that the selected peripheral device is connected to the communication port. All that Young does, as set forth in the first full paragraph of col. 7, is to use the remote controller to configure the receiver 20 to receive a selected input signal from one of the input devices 30 or 40. There is no disclosure of the positively recited verification feature of this invention.

Moreover, each amended independent claim recites a combination of features including, for example, that the controller produces a code conversion

signal and an output control signal. Young's receiver 20 is not disclosed as generating an output control signal. Instead, it is merely disclosed as being configured to receive a signal from a peripheral that is selected and activated by the remote controller 100. See col. 2, lines 56-61, for example.

In Young, the prime mover is the remote controller 100. The receiver 20 is merely a passive device that is controlled, along with the peripheral devices, by the remote controller 100. The controller controls selection of peripheral devices – see col. 2, lines 21-25, for example, which states that the remote control case includes a function key operably connected to select one of the input sources to be the receiver. See col. 5, lines 24-46, which clearly states that the remote controller controls each peripheral device using a specific ID code.

The Office Action further admits that Young does not explicitly disclose the claimed communication port to be connected with the peripheral media devices through a communication line.

In an attempt to remedy this admitted deficiency, the Office Action turns to Wachter, which controls a plurality of remote controllable electronic devices (RCEDs) using a central processing unit 2 to generate a control signal, e.g., an appropriate infrared code, to one or more appropriate RCEDs – see col. 6, lines 38-63, for example.

Applicant notes that Wachter suffers from the same aforementioned deficiencies as does Young.

So, even if these two references were properly combined (which they are not for reasons stated below) they would not result in, or render obvious, the claimed invention recited in claims 1-17.

Moreover, the Office Action has not provided proper motivation to modify Young in view of Wachter, and Applicant respectfully submits that there is no proper motivation to modify Young in view of Wachter, as suggested.

In the first place, Young and Wachter differ substantially. Young has been described above. Wachter discloses a very simple RF mouse type remote control with very few buttons that works to select, by use of a cursor that are displayed on display 4, different functions performed by CPU 2. CPU 2, which is not a media device. CPU 2 is just that, a central processing unit separate from the media devices to be controlled.

The Office Action does not provide objective factual evidence that one of ordinary skill in the art would be motivated to modify Young to provide a separate CPU 2 with a communication port that selects and operates peripheral media devices when one would have to completely disassemble Young by replacing Young's remote controller 100 with a dummy remote controller that is coupled to a CPU.

Moreover, neither reference discloses the claimed verification feature or the claimed code conversion feature.

Additionally, Young works well without the need to incorporate a communication port to be connected with the peripheral media devices through a communication line and does not generate any converted code to be outputted to a media peripheral device through the communication port. In the second place, Wachter's communication port is connected to a CPU which generates different signals to activate a plurality of RCEDs, whereas Young has only one remote 100, and has no need to use a CPU to activate his one remote 100. Therefore, there would be no motivation to add a communication port like the one in Wachter to Young. In the third place, the Office Action never states how the communication port added to Young would fit in with, and/or operate with Young's remote control that has no need for such a communication port or for a CPU that uses the communication port. This essential feature of an obviousness rejection is totally missing and is left solely to speculation. It is well settled that a rejection cannot be based on speculation. An Examiner may not, because of doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis, See, In re Warner, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967), Cert. Denied.

The Office Action alleges that a skilled worker would be motivated to modify Young in view of Wachter is “in order to provide a control system for controlling multiple electronic components via a single user-operated remote control device.” Evidence of motivation must be clear and particular, and broad conclusory statements about the teaching of multiple references, standing alone, are not “evidence.” See In re Dembiczak, 175 F.3d 994 at 1000, 50 USPQ2d 1614 at 1617 (Fed. Cir. 1999). This reason, urged by the Office, is nothing more than a broad conclusory statement about the teaching of all universal remotes and fails to constitute clear and particular evidence that would give a skilled worker the motivation to combine these disparate references.

A fair, balanced view of this rejection reveals that (1) it overlooks the fact that several claimed features of the invention recited in claims 1 and 7 are missing from both references, so that even if the references were properly combined, they would not render the claimed invention obvious, and (2) the fundamental differences between the references have not been taken into consideration in making the rejection, as they are required to be in view of Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), differences that teach away from combining the teachings of these two references and vitiate any motivation to combine these references, as alleged.

Moreover, Examiner Tran agreed that independent claims 1, 7, 18, 41

and 53, as amended, overcome the applied art.

With regard to dependent claims 2-6, 8-17, 19-40, 42-52 and 54-57 Applicant submits that each of these dependent claims depends, either directly or indirectly, from one of amended independent claims 1,7, 18, 41 and 53, which independent claims are allowable for the reasons set forth above, and therefore each of claims 2-6, 8-17, 19-40, 42-52 and 54-57 is allowable based on their dependence respectively from one of the aforementioned independent claims.

Accordingly, reconsideration and withdrawal of this rejection of claims 1-57 are respectfully requested.

Additional Cited References

Because the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

CONCLUSION

All of the stated grounds of rejection have been properly traversed. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Application No.: 09/942,710
Art Unit 2614

Attorney Docket No. 0465-0854P
Responsive to April 20, 2005 Office Action
Page 29 of 29 pages

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

Pursuant to the provisions of 37 CFR 1.17 and 1.136(a), Applicant respectfully petitions for a two (2) month extension of time for filing a response in connection with the present application. The required fee of \$450.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: Esther Chong
Esther H. Chong
Reg. No.: 40,953

EHC/RJW:gf

P.O. Box 747
Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000